

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yu et al.

Application No: 09/333,966 Art Unit: 1646

Filed: June 16, 1999 Examiner: Ulm, J.

Death Domain Containing Receptors Attorney Docket No.: 1488.0310005/EKS/SGW

Declaration for Deposited Biological Materials

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned attorney of record states as follows:

1. A plasmid containing human cDNA encoding DR3-V1 protein was deposited under the terms of the Budapest Treaty on March 1, 1996. The deposit was made at the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia 20110-2209 (current address), and given accession number 97456. A copy of the ATCC deposit receipt reciting the term of the deposit, as well as the statement of viability, is attached hereto.

2. Assurance is hereby given that: (1) all restrictions on the availability to the public of the deposited plasmid will be irrevocably removed upon the granting of a patent; (2) the plasmid has been deposited under conditions such that access to the material will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto; and (3) the deposit will be maintained with all of the care necessary to keep the plasmid uncontaminated and capable of functioning as described in the specification for a period of at least five years after the most recent request for the furnishing of a sample of the deposited plasmid, and in any case, for a period of at least thirty years after the date of deposit or for the enforceable life of the patent, whichever period is longer.

Date

August 18, 2000

Jonathan L. Klein
Jonathan L. Klein
Attorney for Applicants
Registration No. 41,119

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850
Telephone: (301) 251-6015



American Type Culture Collection

12341 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 903-768 ATCCROVE • FAX: 301-816-4366

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Human Genome Sciences, Inc.
Attn: Robert H. Benson
9410 Key West Avenue
Rockville, MD 20850

Deposited on Behalf of: Human Genome Sciences, Inc.

Identification Reference by Depositor: ATCC Designation

DNA Plasmid, 1198782 (Docket PF267P1.SKB) 97757

The deposits were accompanied by: a scientific description a proposed taxonomic description indicated above.

The deposits were received October 10, 1996 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

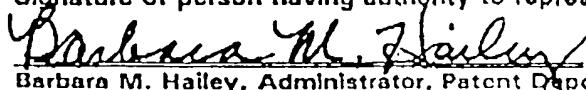
If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested October 17, 1996. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:


Barbara M. Hailey, Administrator, Patent Depository

Date: October 19, 1996



American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301) 231-5520 Telex: 898-055 ATCCNORTH • FAX: 301-770-2587

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Deposited on Behalf of: Human Genome Sciences, Inc.

Identification Reference by Depositor:

ATCC Designation

[REDACTED]
DNA Plasmid, 231556

[REDACTED]
97456

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The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested March 7, 1996. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: March 8, 1996